



Patent
Attorney Docket: 256/137

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

**Inventor: Roger S. Gooding, Manfred
Konrad, Arnon Lavie, Joachim Reinstein,
and Ilme Schlichting**

Serial No.: 09/622,101

Filed: 08/10/00

I.A. Filing Date: 02/12/99

Priority Date: 02/13/98

**For: NOVEL MEANS AND METHODS
FOR THE PREPARATION AND
ACTIVATION OF NUCLEOSIDE
AND NUCLEOTIDE BASED
DRUGS**

Group Art Unit: Not yet assigned

Examiner: Not yet assigned

TRANSMITTAL OF MISSING PARTS

Box Missing Parts
Commissioner for Patents
Washington, D.C. 20231

Sir:

I. DOCUMENTS ENCLOSED:

In response to the **NOTICE TO FILE MISSING PARTS OF APPLICATION UNDER
37 CFR § 1.53(f)**, which was mailed by the Patent Office on August 28, 2000, enclosed are:

☒ Declaration

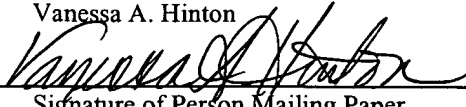
CERTIFICATE OF MAILING
(37 C.F.R. §1.10(a))

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as 'Express Mail Post Office To Addressee' in an envelope addressed to the Commissioner for Patents, Washington, D.C. 20231.

EL356078344US
Express Mail Label No.

January 29, 2001
Date of Deposit

Vanessa A. Hinton


Signature of Person Mailing Paper

- ☐ Power of Attorney: ☐ Separate or ☐ Combined with Declaration
- ☒ Assignment of the invention to Max-Planck-Gesellschaft zur Förderung der Wissenschaften e.V. (together with PTO Form 1595)
- ☒ A copy of the Notice to File Missing Parts of Application under 37 CFR § 1.53(f)

II. REQUEST FOR EXTENSION OF TIME:

The proceedings herein are for a patent application and the provisions of 37 CFR § 1.136 apply.

- ☒ Applicant(s) petitions for an extension of time under 37 CFR § 1.136 [fees: 37 CFR § 1.17(a)(1)-(5)] for the total number of months checked below:

EXTENSION (months)	FEE FOR SMALL ENTITY	FEE FOR OTHER THAN SMALL ENTITY
<input type="checkbox"/> one month	\$55.00	\$110.00
<input type="checkbox"/> two months	\$195.00	\$390.00
<input type="checkbox"/> three months	\$445.00	\$890.00
<input checked="" type="checkbox"/> four months	\$695.00	\$1,390.00
<input type="checkbox"/> five months	\$945.00	\$1,890.00
	Fee	\$695.00

- ☐ If any extension fee is required, please consider this a petition therefor.

III. FILING FEES

- ☒ Applicant claims small entity status pursuant to 37 CFR 1.27.

BASIC FILING FEE:							\$0.00
Total Claims	53	-	20	=	33	x \$18.00	\$594.00
Independent Claims	1	-	3	=	0	x \$80.00	\$0.00
Multiple Dependent Claims	\$270	(if applicable)				<input checked="" type="checkbox"/>	\$270.00
Surcharge 37 CFR § 1.16(e)	\$130	(if applicable)				<input type="checkbox"/>	\$0.00
TOTAL OF ABOVE CALCULATIONS							\$864.00
Reduction by ½ for Filing by Small Entity. Note 37 CFR §§ 1.9, 1.27, 1.28.							<input checked="" type="checkbox"/> \$432.00
Extension of Time (from above)							\$695.00
Assignment -- \$40 (if applicable)							<input checked="" type="checkbox"/> \$40.00
TOTAL FEES SUBMITTED HERewith							\$1,167.00

Rec'd PCT/PTC

29 JAN 2001

Patent
Attorney Docket: 256/137

IV. METHOD OF PAYMENT OF FEES:


- ☐ A check in the amount of _____ is enclosed to cover the above fee(s).
- ☒ Charge Lyon & Lyon's Deposit Account No. **12-2475** in the amount of **\$1,167.00**.
- ☒ The Commissioner is authorized to charge Lyon & Lyon's Deposit Account No. **12-2475** for any fees required under 37 CFR §§ 1.16, 1.17 and 1.445 that are not covered, in whole or in part, by a check enclosed herewith and to credit any overpayments to said Deposit Account No. **12-2475**.

Respectfully submitted,

LYON & LYON LLP

Dated: January 29, 2001

By: _____


Suzanne L. Biggs
Reg. No. 30,158



22249

PATENT TRADEMARK OFFICE

LYON & LYON LLP
Suite 4700
633 W. Fifth Street
Los Angeles, CA 90071
(213) 489-1600

02/02/2001 MNGUYEN 00000010 122475 09622101

01 FC:218	695.00 CH
02 FC:967	297.00 CH
03 FC:969	135.00 CH

596 Rec'd PGT/PTO 29 JAN 2000 ^{PCT} *[initials]*



Patent
Attorney Docket: 256/137

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

**Roger S. Gooding, Manfred
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AND NUCLEOTIDE BASED DRUGS

Group Art Unit: Not yet assigned

Examiner: Not yet assigned

TRANSMITTAL

Box MISSING PARTS
Commissioner for Patents
Washington, D.C. 20231

Sir:

Enclosed herewith for filing in the U.S. Patent and Trademark Office are the following documents:

SD-159291.1

CERTIFICATE OF MAILING
(37 C.F.R. §1.10(a))

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as 'Express Mail Post Office to Addressee' in an envelope addressed to the Commissioner for Patents, Washington, D.C. 20231.

EL356078344US
Express Mail Label No.

January 29, 2001
Date of Deposit

Vanessa Hinton
Name of Person Mailing Paper

Signature of Person Mailing Paper

1. Transmittal of Missing Parts with supporting documents;
2. Preliminary Amendment with Clean Claim Sheets and Claim Sheets Marked up to Show Changes; and
4. Return Postcard.

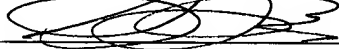


Please charge fees in the amount of \$1,167.00 to Deposit Account No. 12-2475. Should any additional fees be required with the present filing, please charge or credit our Deposit Account No. 12-2475 for the appropriate amount.

Respectfully submitted,

LYON & LYON LLP

Dated: January 29, 2001

By: 
Suzanne L. Biggs
Reg. No. 30,158

633 West Fifth Street, Suite 4700
Los Angeles, California 90071-2066
(213) 489-1600



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/622101	WISSENSCHAFTEN	256 137 US
INTERNATIONAL APPLICATION NO.		

SUZANNE L BIGGS
633 WEST FIFTH STREET
SUITE 4700
LOS ANGELES, CA 90071

PCT/EP99/00945

I.A. FILING DATE	PRIORITY DATE
12 FEB 99	13 FEB 98

DATE MAILED **25 JUL 2001****NOTIFICATION OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371
AND 37 CFR 1.494 OR 1.495**

1. The applicant is hereby advised that the United States Patent and Trademark Office in its capacity as ☐ a Designated Office (37 CFR 1.494), ☒ an Elected Office (37 CFR 1.495), has determined that the above-identified international application has met the requirements of 35 U.S.C. 371, and is **ACCEPTED** for national patentability examination in the United States Patent and Trademark Office.

2. The United States Application Number assigned to the application is shown above and the relevant dates are:

29 JANUARY 2001	29 JANUARY 2001
DATE OF RECEIPT OF	DATE OF RECEIPT OF ALL
35 U.S.C. 371(c)(1), (c)(2) and (c)(4) REQUIREMENTS	35 U.S.C. 371 REQUIREMENTS

A Filing Receipt (PTO-103X) will be issued for the present application in due course. **THE DATE APPEARING ON THE FILING RECEIPT AS THE "FILING DATE" IS THE DATE ON WHICH THE LAST OF THE 35 U.S.C. 371 REQUIREMENTS HAS BEEN RECEIVED IN THE OFFICE. THIS DATE IS SHOWN ABOVE.** The filing date of the above-identified application is the international filing date of the international application (Article 11(3) and 35 U.S.C. 363). Once the Filing Receipt has been received, send all correspondence to the Group Art Unit designated thereon.

3. ☐ A request for immediate examination under 35 U.S.C. 371(f) was received on _____ and the application will be examined in turn.

4. The following items have been received:

- ☒ U.S. Basic National Fee.
- ☐ Copy of the international application.
- ☐ Translation of the international application into English.
- ☒ Oath or Declaration of inventors(s).
- ☐ Copy of Article 19 amendments. ☐ Translation of Article 19 amendments into English.
The Article 19 amendments ☐ have ☐ not been entered.
- ☒ The International Preliminary Examination Report in English and its Annexes, if any.
- ☐ Copy of the Annexes to the International Preliminary Examination Report (IPER).
☐ Translation of Annexes to the IPER into English.
The Annexes ☐ have ☐ not been entered.
- ☒ Preliminary amendment(s) filed 29 JAN 2001 and _____
- ☐ Information Disclosure Statement(s) filed _____ and _____
- ☒ Assignment document.
- ☐ Power of Attorney and/or Change of Address.
- ☐ Substitute specification filed _____
- ☐ Indication of Small Entity Status.
- ☒ Priority Document.
- ☒ Copy of the International Search Report ☒ and copies of the references cited therein.
- ☐ Other:

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5).

Pat Booker, Paralegal

Telephone: 703-305-3738

FORM PCT/DO/EO/903 (March 2001)

09/622101



UNITED STATES DEPARTMENT OF COMMERCE

Patent and Trademark Office

Address: ASSISTANT COMMISSIONER FOR PATENTS

Box PCT

Washington, D.C. 20231

WISSENSCHAFTEN

256 137 US

U.S. APPLICATION NO.

FIRST NAMED APPLICANT

ATTY. DOCKET NO.

5611

PCT/EP99/00945

INTERNATIONAL APPLICATION NO.

I.A. FILING DATE/12/99 PRIORITY DATE/12/13/98

DATE MAILED:

08/28/00

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as

- ☐ a Designated Office (37 CFR 1.494),
☒ an Elected Office (37 CFR 1.495):

☒ U.S. Basic National Fee.

☒ Copy of the international application in:

- ☐ a non-English language.
☒ English.

☐ Translation of the international application into English.

☐ Oath or Declaration of inventors(s) for DO/EO/US.

☐ Copy of Article 19 amendments.

☐ Translation of Article 19 amendments into English.

☒ The International Preliminary Examination Report in English and its Annexes, if any.

☐ Translation of Annexes to the International Preliminary Examination Report into English.

☐ Preliminary amendment(s) filed _____ and _____.

☐ Information Disclosure Statement(s) filed _____ and _____.

☐ Assignment document.

☐ Power of Attorney and/or Change of Address.

☐ Substitute specification filed _____.

☐ Verified Statement Claiming Small Entity Status.

☒ Priority Document.

☒ Copy of the International Search Report ☒ and copies of the references cited therein.

☐ Other:

2. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- ☐ a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.
☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.

- ☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).

- ☒ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date.
☐ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.

- ☐ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

3. Additional claim fees of \$ _____ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due. See attached PTO-875.

ALL OF THE ITEMS SET FORTH IN 2(a)-2(d) AND 3 ABOVE MUST BE SUBMITTED WITHIN ONE MONTH FROM THE DATE OF THIS NOTICE OR BY ☐ 21 OR ☒ 31 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

4. Translation of the Annexes **MUST** be submitted no later than the time period set above or the annexes will be cancelled. Note processing fee will be required if submitted later than 30 months from the priority date.

5. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

A copy of this notice *MUST* be returned with this response.

Enclosed:

☐ PCT/DO/EO/917

☐ PTO-875

FORM PCT/DO/EO/905 (December 1997)

☐ Notice of Defective Translation

Telephone: 703 308-9116